

Case: United States v. Mario Arnaldo Henriquez  
05 Cr. 1314 (KMK)

Date: February 25, 1991

Participants: Judge Leonard I. Shapiro  
Mario Henriquez- Defendant  
John Furlong - INS Attorney

Abbreviations: U/I = Unintelligible  
(ph) = Phonetic Spelling  
// = Voices overlap  
sl = Sounds like

1 Judge: This is the Immigration Court at Boston, on February 25, 1991.  
2 Immigration Judge Leonard I. Shapiro in a continued deportation  
3 proceeding in the matter of Mario M-A-R-I-O Arnaldo A-R-N-A-L-  
4 D-O Henriquez H-E-N-R-I-Q-U-E-Z. File number A12345175. The  
5 respondent is present in court at this time without his attorney.  
6 Representing the Immigration and Naturalization Service is General  
7 Attorney John Furlong. Mr. Furlong, would you identify yourself for  
8 the record please.

9 Furlong: Thank you, Judge. John M. Furlong. F-U-R-L-O-N-G I'm a trial  
10 attorney in the Immigration Service in Boston office, present in the  
11 courtroom today Your Honor.

12 Judge: By the Court, directly to the respondent. Good Morning, sir.

13 Henriquez: Morning, sir. My name is name is Mario Henriquez. U/I

14 Judge: Mr. Henriquez, um, did you have a lawyer to represent you in these  
15 proceedings?

16 Henriquez: Yes, I did, sir. And unfortunately, we haven't been able to connect  
17 with each other for the last week. A lot has to do with my part and I  
18 guess he's been busy.

19 Judge: Mr. Henriquez, you know your case was assigned to trial this  
20 morning. We set aside 3 hours of trial time for you. Did you know  
21 that sir?

22 Henriquez: Um, I thought it was a hearing.

23 Judge: Well, the hearing is a trial. This is a deportation trial. You're aware  
24 of that, sir?

25 Henriquez: Yes, sir.

26 Judge: And the Immigration Service says that you should be deported from  
27 the United States. Do you understand that?

28 Henriquez: Yes, sir, I do.

1 Judge: Looking through the record, Mr. Henriquez, I know that you were  
2 sent a notice on June 8<sup>th</sup>, 1990 advising you at that time that your  
3 case was going to be heard before an Immigration Judge on February  
4 25, 1991 at 9 o'clock, am.

5 Henriquez: Yes, sir, I do have the notice of the hearing.

6 Judge: Well, sir, that was uh 8 months ago.

7 Henriquez: I know, sir, but I don't know. Here's and it is, but I was in prison,  
8 incarcerated for about 40 months and I came back into society, trying  
9 to re-establish myself. Came to Boston. I relocated back to New  
10 York City where I was living at my mother's house. And then a little  
11 lack of responsibility on my part, I haven't been able to, like I said,  
12 contact my lawyer.

13 Judge: But that wasn't, just a little bit of responsibility, that's a great deal of  
14 responsibility, if you're not taking this case seriously. The Court  
15 doesn't understand how you could have possibly waited 8 months  
16 and then come in and say you were supposed to have spoken with  
17 Mr. Watt last week. When did you contact Mr. Watt?

18 Henriquez: Been in contact with him for the last month already. And I met him  
19 here in court. Because I had another, I had another lawyer, and then I  
20 just, when she didn't show up, so he represented me that day.

21 Judge: Mr. Furlong, can I have your views on this matter please?

22 Furlong: Your Honor, before you came on the bench the respondent indicated  
23 that he did have a prior attorney and um, that attorney has let go of  
24 the case. And the respondent has sought other representation, and  
25 actually the attorney is Roger Watt, and he I think is from Rhode  
26 Island. And I think the respondent said that he was supposed to have  
27 spoken to Mr. Watt this past Friday, but wasn't able to get to him.  
28 And also, wasn't able, well supposed to be in, he gave the attorney  
29 the form I-191, but hasn't done it. And I would um, not be adverse to  
30 a modest continuation, Your Honor. If counsel represents that Mr.  
31 Watt, is who is going to um, seek to have Mr. Watt in attendance, or  
32 another attorney and based on, if you do so U/I

1 Judge: Well, I do know from the prior record that the respondent's previous  
2 attorney had been either disbarred or suspended by the  
3 Massachusetts Board of Bar Overseers. And under those  
4 circumstances I'm disposed to be a little bit more lenient than I  
5 would ordinarily.

6 Henriquez: The attorney I had before, she's not a lawyer anymore?

7 Judge: That's the indication from the record, Mr. Henriquez. Mr.  
8 Henriquez, I am going to give you a short postponement on your  
9 case. But I want you to know that on the next date that you're given  
10 your case will go forward.

11 Henriquez: I will be prepared, Your Honor.

12 Judge: At that time, you will have to be prepared to either go forward with  
13 your lawyer, if you have a lawyer, or you'll have to speak for  
14 yourself, if you don't have a lawyer. Do you understand that?

15 Henriquez: I will have a lawyer, Your Honor. It's just a matter of getting//

16 Judge: Have you ah, do you have the forms that you need to fill out?

17 Henriquez: No. Not at all.

18 Judge: Well, what I would like to have you do is, when you're finished here,  
19 is to go downstairs, in any event, just in case you don't have a  
20 lawyer, and you should go to room E-123. Is that right, Mr. Furlong?

21 Furlong: That's correct, Judge.

22 Judge: And I want to have you pick up a form I-191. Which is an  
23 application for what we call a section 212-C waiver. It's a waiver of  
24 deportability. And you should also pick up, at the same time a form  
25 G-325-A. And that goes with it.

26 Henriquez: That's an I-191?

27 Judge: It's a I-191 and a form G-325-A. And you should fill out those  
28 forms.

1       Henriquez:           Should I bring them here personally?

2       Judge:               No, what I'm going to ask you to do is to submit them to the Court.  
3                               Again, if you have a lawyer, I'm going to give you a date by which  
4                               the lawyer should submit these applications to the court. If you don't  
5                               have a lawyer, I'm going to give you a date by which you should  
6                               submit these applications to the court. And you have to pay a filing  
7                               fee for them. And you have to make a copy of the application for the  
8                               Government trial attorney. And you should make a copy for yourself.

9       Henriquez:           So, it will be an original and 2 copies?

10      Judge:               An original and 2 copies would be fine, yes. Now, what I'm going to  
11                              ask you to do also, I see you have a pencil and paper there, is to write  
12                              down some of the attachments that you should include in your  
13                              application. If you own any property in the United States

14      Henriquez:           Well, I just bought a car.

15      Judge:               Then, I would like to have you include the title for that.

16      Henriquez:           I didn't buy it, sir, I'm subleasing from somebody else. So it'll be  
17                              paid off in the next 2 or 3 years.

18      Judge:               If you're working now. I don't want to have you try your case right  
19                              now, sir, without your lawyer. But if you're working, I'd like to have  
20                              letters from your jobs that you're working.

21      Henriquez:           I have one here.

22      Judge:               Okay, you hold on to those please, and submit them all in one  
23                              package.

24      Henriquez:           What about debts? I have a lot of debts.

25      Judge:               Debts that you have?

26      Henriquez:           I have a lot of debts.

27      Judge:               Well, yeah you should submit that too, even though that's not the

1 sort of thing that might be inclined to help you in this kind of case.  
2 Uh, if you are married, I would like to have you attach a copy of your  
3 marriage certificate. If you have any children in the United States  
4 then you should attach to the application copies of the children's  
5 birth certificates. I think the Immigration Service requires the  
6 originals of these documents.

7 Henriquez: Okay. I can get them, sir.

8 Judge: In addition, if you're on parole, you should have a letter from your  
9 probation officer as to how your probation has progressed. If you're  
10 involved in any community activities you should have letters from  
11 those organizations verifying that. Okay, we're going to go off the  
12 record for a moment sir, while I get a new trial date. And I'm going  
13 to come back on the record, I'll give you a date to be back here in  
14 court and a date by which you need to submit your applications.  
15 Okay sir?

16 Henriquez: Okay, sir, thank you.

17 Judge: We're off the record for that purpose.

18 [Break]

19 Okay, sir, your request for continuance is granted and your case will  
20 be heard before Judge D'Ambrosio on April 4, 1991 at 1 o'clock  
21 pm. Now your application should be submitted to the Court, with all  
22 the proper fees paid, by March 15<sup>th</sup>, 1991. And the application  
23 should be fully documented according to the instructions that I gave  
24 you previously.

25 Henriquez: Whatever you say.

26 Judge: Okay, sir. And also what I want you to understand is that you have a  
27 right to bring witnesses into court to testify for you. And if you'd like  
28 to do that you may bring them in. Do you intend to have any  
29 witnesses come in to testify?

30 Henriquez: My mother.



1 Judge: Anybody else?

2 Henriquez: My sister's in New York.

3 Judge: Well it's up to you, sir. But, what language do they speak?

4 Henriquez: Spanish, English. They were all born here.

5 Judge: Okay. They were all born here. Okay.

6 Henriquez: I'm the only one that was born over there.

7 Judge: Okay, so, contact your lawyer and tell him what I've just told you  
8 today. And if you do not have a lawyer to represent you, be prepared  
9 to proceed by yourself on April 4<sup>th</sup>. Do you have any further  
10 questions sir?

11 Henriquez: No sir.

12 Judge: Okay, now one more thing. If you're application is not in by March  
13 15<sup>th</sup>, then we're going to proceed to a determination of your case on  
14 the basis of the record as it stands. And your application will be  
15 deemed to be waived. Do you understand that sir?

16 Henriquez: What do you mean by that, sir?

17 Judge: That is, that if your application is not filed by March 15<sup>th</sup>, then the  
18 Court is going to take it that you've abandoned your application and  
19 are not interested

20 Henriquez: U/I sign the papers for deportation

21 Judge: That's right.

22 Henriquez: Okay.

23 Judge: Okay, sir.

24 Henriquez: So, it's up to me to get these things in here.

1 Judge: It's up to you. This is your chance.

2 Henriquez: Thank you, sir.

3 Judge: Okay.

4 Henriquez: Alright, sir.

5 Judge: Okay. This matter will be adjourned. Do you have anything further  
6 Mr.

7 Furlong: Nothing here. Thank you, Judge.

8 [Break]

9 Judge: Back on the record. Just before we do adjourn, Mr. Henriquez, are  
10 you still living at the 16 Coniston Road apartment?

11 Henriquez: No, I'm not, sir.

12 Judge: Okay, could I have your address please.

13 Henriquez: My new address is 405 Knickerbocker Avenue.

14 Judge: Could you spell that please?

15 Henriquez: K-N-I-C-K-E-R-B-O-C-K-E-R Avenue. And that's Brooklyn, New  
16 York. 11237.

17 Judge: Any particular apartment number?

18 Henriquez: Yes. It's the 4<sup>th</sup> floor. Care of Norma Henriquez Alvanado. Which is  
19 my mother's house.

20 Judge: Okay, sir. Thank you.